

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Reisterstown Rd., 2700' NW
of c/l of Greenspring Valley Rd. * DEPUTY ZONING COMMISSIONER
(9808 Reisterstown Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 92-464-A
Samuel Funk and David Granat
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by Heritage Dodge by and through its attorney, Julius W. Lichter, Esquire, in which the Petitioners request relief from Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 737.06 sq.ft. in lieu of the permitted 100 sq.ft. for existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 220.32 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 35 feet, respectively, in lieu of the permitted 25 feet for each, all as more particularly described on Petitioner's Exhibits 4 and 5.

Appearing on behalf of the Petition were Jerome Fader, Steve Fader, and Leo J. D'Aleo. There were no Protestants.

At the onset of the hearing, Counsel for the Petitioners, Julius W. Lichter, Esquire, moved that the Petition for Zoning Variance be amended. Specifically, the Petition was amended to request a height for Sign 2 of 30 feet in lieu of the requested 35 feet, and a total sign area of 187.68 sq.ft. for Sign 2 in lieu of the requested 220.32 sq.ft. As a result of the modifications made for proposed Sign 2, the total signage

requested for the subject property would then be reduced to 704.42 sq.ft. in lieu of the originally requested 737.06 sq.ft. The Petition was amended accordingly.

Testimony indicated that the subject property, known as 9808 Reisterstown Road, consists of 2.9495 acres, more or less, zoned B.R., and is the site of the Heritage Automotive Group. The proffered testimony offered by Mr. Lichter indicated that the Fader family has operated several dealerships along this section of Reisterstown Road for many years. Testimony indicated that the Petitioners are desirous of locating three business signs on the subject property to identify their Volkswagen, Subaru and Oldsmobile dealerships. The three signs in question are depicted on Petitioner's Exhibit 5, a site plan of the subject property. Two of the subject signs will be relocated from an existing dealership located elsewhere. Those two signs are for the Volkswagen and Subaru dealerships. Submitted into evidence as Petitioner's Exhibits 1A through 1E were various photographs of the subject property. Said photographs reveal that the subject property is well-maintained, and is neat and orderly in its appearance. While the proposed signage will increase at the subject location, it will decrease at the sites where the signs presently exist. There were no adverse comments from any agency in Baltimore County and no Protestants appeared at the hearing.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2 -

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1992 that the Petition for Zoning Variance requesting relief from Section 413.2 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 704.42 sq.ft. in lieu of the permitted 100 sq.ft., to include existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 187.68 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 30 feet, respectively, in lieu of the permitted 25 feet for each, in accordance with Petitioner's Exhibits 4 and 5, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the modifications requested herein as to proposed Sign 2 for the Subaru dealership.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 17, 1992

(410) 887-4386

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 2700' NW of the c/l Greenspring Valley Road
(9808 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
Samuel Funk and David Granat - Petitioners
Case No. 92-464-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 9808 Reisterstown Rd.

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2(a) permit 3 BUSINESS SIGNS totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft.* from Section 413.5(d) to permit 2 signs 26'8" and 35'0" in height, respective in lieu of the permitted 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

site constraints; automobile dealership requirements; and additional reasons which will be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

*(existing sign #1-282.2 sq.ft. remaining; sign #2, 220.32sq.ft. new; sign #3, 234.54 sq.ft. new & replacing existing sign of 80sq.ft.)

Contact Purchaser/Lessee:

Type or Firm Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Name:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Legal Owner(s):

Type or Firm Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Name:

Address:

City:

State:

Zipcode:

Phone No.:

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Phone No.:

ALLSWEET LENSING TEL NO. 301-363-9977 JUL 16 1992 0192 NO. 002 P. 02

Pet Ex 3B

SUBARU

Subaru of America
2000 North
17th Avenue
Ann Arbor, MI 48106

July 13, 1992

Mr. Jerome H. Feder
President
Heritage Oldsmobile-Imports, Inc.
774 Heritage Subaru
5000 Reisterstown Road
Owings Mills, MD 21117

Dear Jerry:

Please permit this letter to memorialize our conversations in regards to Subaru's requirement of a road front sign in respects to Heritage Subaru's relocation from 11234 Reisterstown Road to 9806 Reisterstown Road.

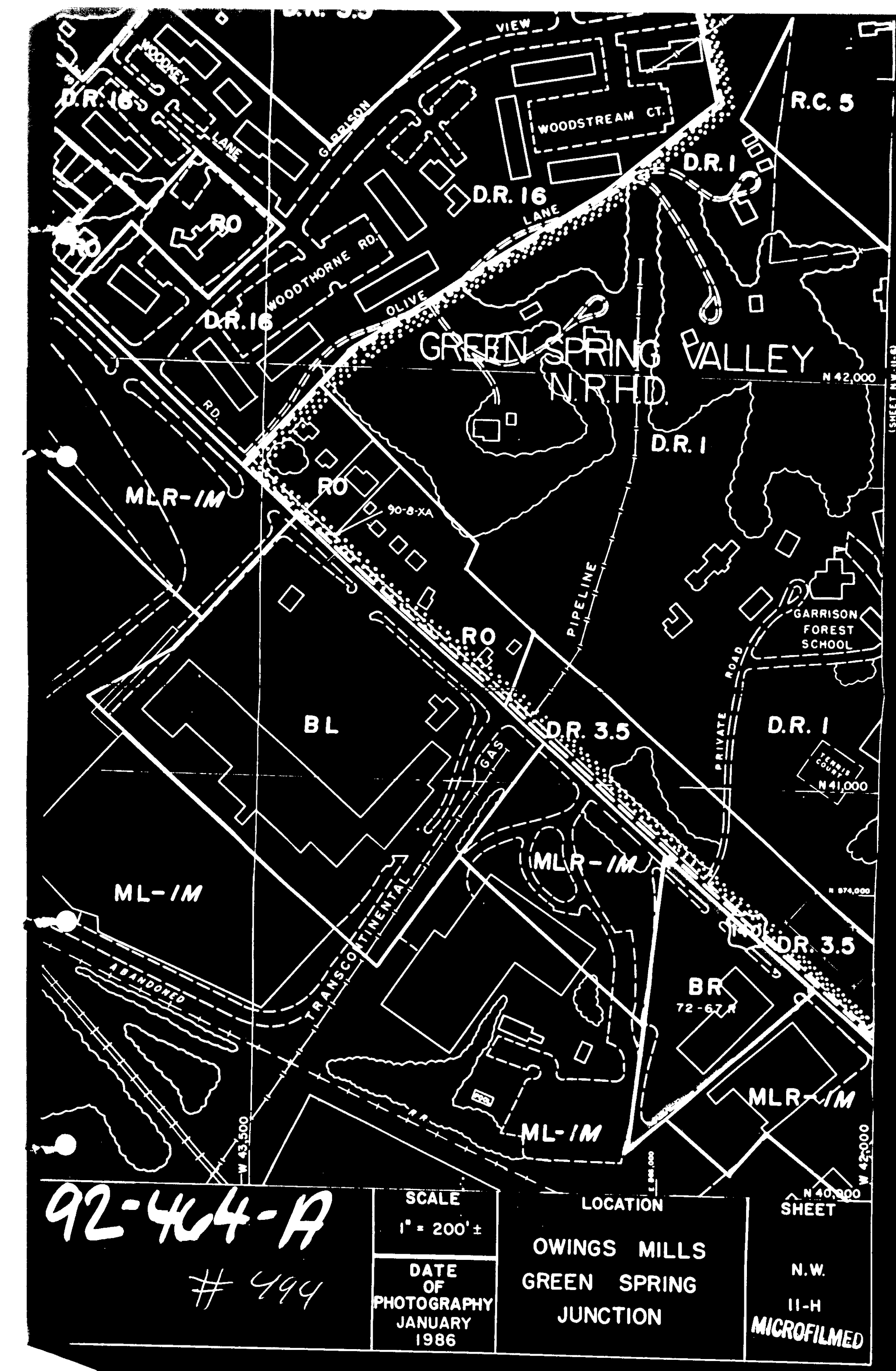
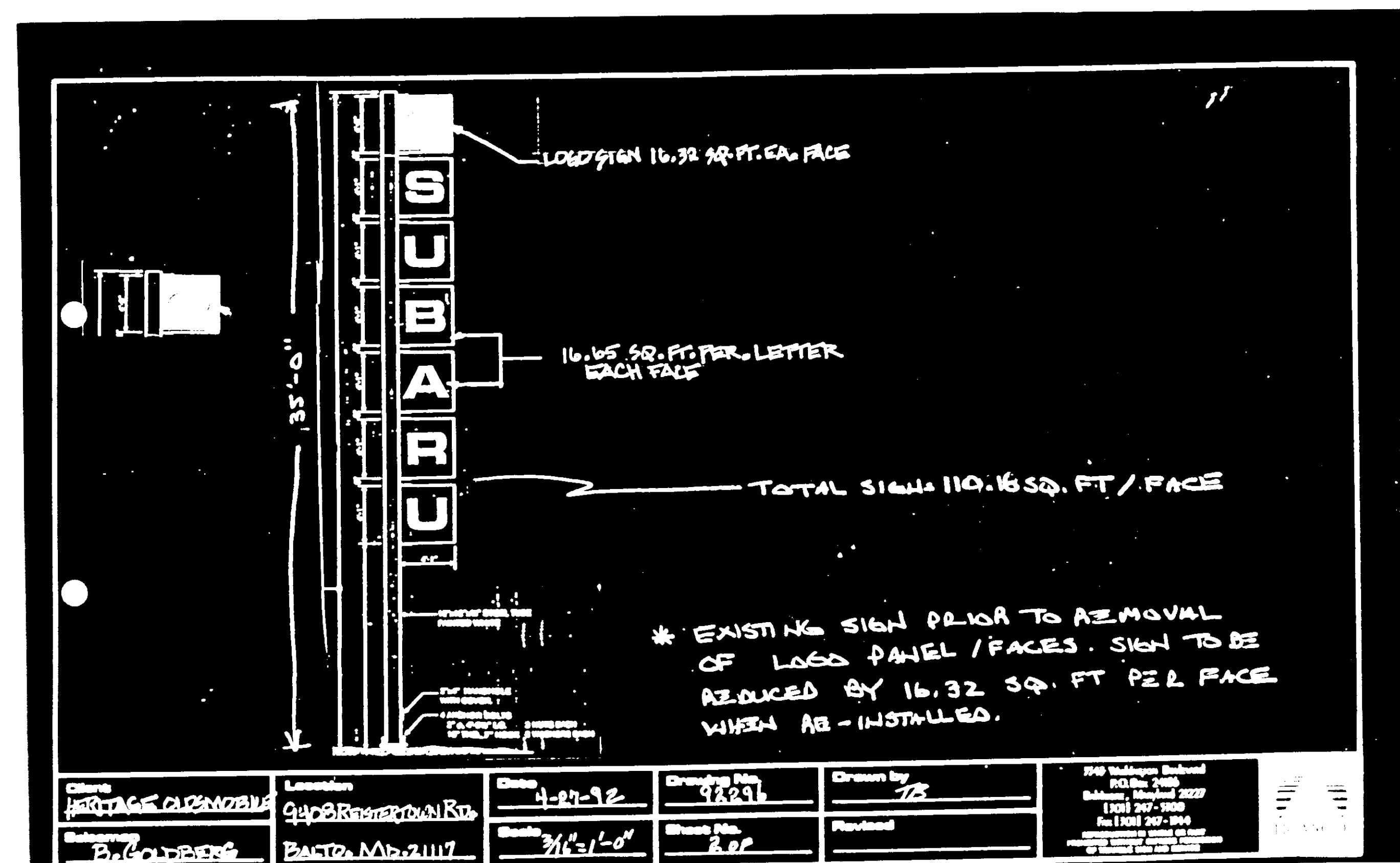
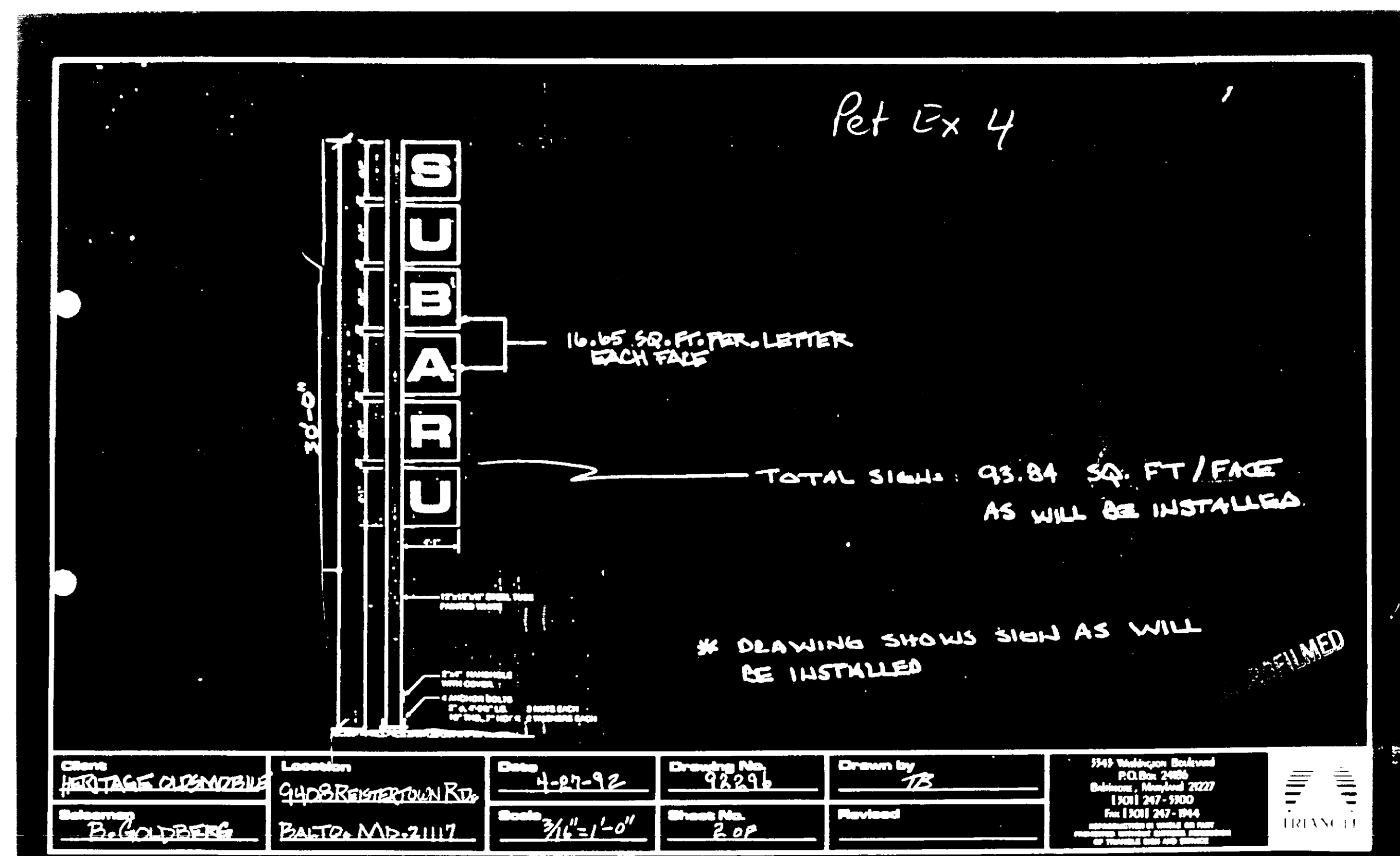
We cannot emphasize enough the importance of the Subaru sign as same is in keeping with our national identity program and is a requirement for dealers nationwide. We are, however, aware that many local jurisdictions seek to limit the size and scope of road front signage. In consideration of your request, Subaru will allow you to transfer and relocate the sign as was present at 11234 Reisterstown Road to Subaru's new home at 9806 Reisterstown Road. We will also allow you to remove the Subaru logo/insignia at the top of this sign. This will have the effect of reducing height of the sign by approximately 4 1/2 feet.

The waiver given herein is a waiver specific as to the subject situation and may not be used by you or be construed as a waiver as to any other Subaru locations you may be granted at any time in the future.

Thank you for your attention to this matter and should you have any questions, please do not hesitate in contacting me.

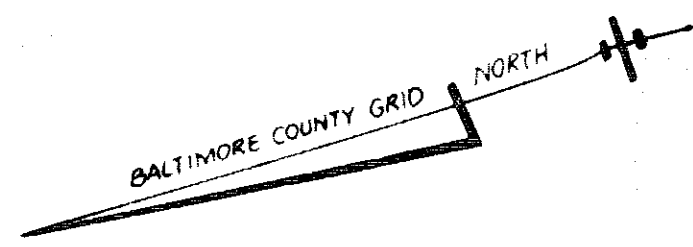
Sincerely,
J. Todd
Jerome H. Todd
Regional Market Development Manager
TT/gcd

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Petitioner's
Exhibits 1A-1E
Photographs
Case 92-464-A

MICROFILMED



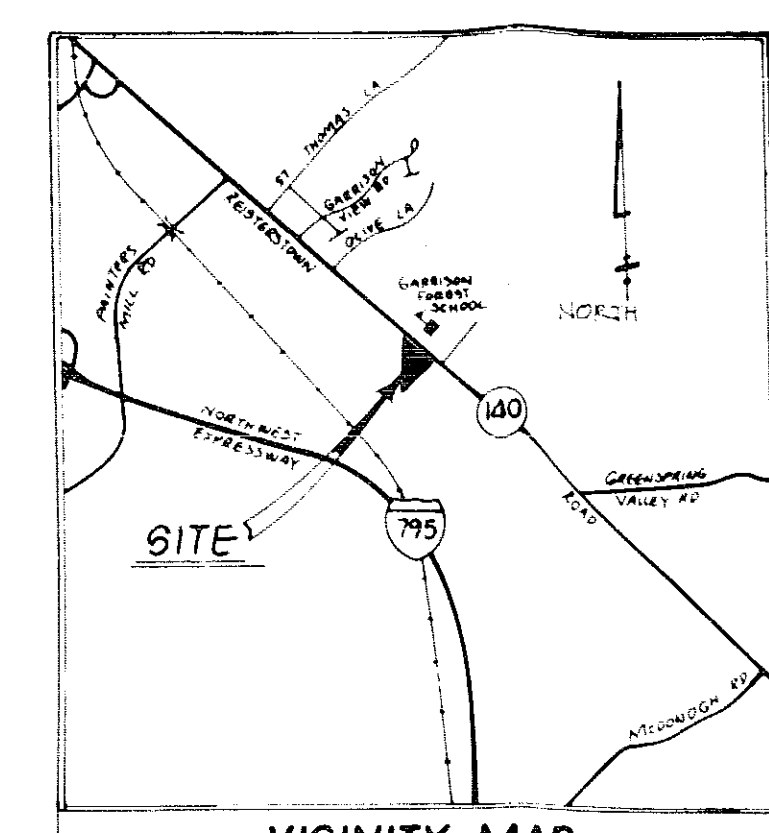
General Notes:
The proposed grading shown on this plan meets the requirements set forth by the Baltimore County Department of Environmental Protection and Resource Management and complies with Bill No. 22-88. However, due to building types and layout, some field adjustments may be required. All changes must comply with the above mentioned requirements.
All scales have been designed by the engineer to convey runoff from a 10 year storm event.

Owner's/Developer's Certification:
I/We certify that all grading on this site will be done in accordance with the current grading requirements as set forth by the Baltimore County Department of Environmental Protection and Resource Management and with the requirements specified in Bill No. 22-88.

Signature of Owner/Developer

Print Name

Date



NOTE: All designs, drawings and information contained herein are the exclusive property of D'Aleo Inc. as instruments of service whether or not the work for which they were prepared is accepted. The use of these materials in published or other form for any purpose other than as originally prepared is prohibited except as may be in writing, consent as originally prepared. The design, drawings, information, etc., is not to be sold, published or displayed without written authorization and consent of D'Aleo Inc. and made to D'Aleo Inc.

All field dimensions and conditions are to be verified by the fabricator or contractor. Any condition which affects the implementation of the design shall be brought to the attention of D'Aleo Inc. in writing, prior to the start of work.

KEYNOTES:

DATE	10/30/91
REVISION	10/30/91
1. 10/30/91	BUILDING SUMMARY, EXIST. WALLS
2. 10/30/91	ADJUSTED FLOOR & DRIVE THRU ELEV.
3. 10/30/91	ESTIMATED ELEVATED FRONT FACADE

NOTE: SEE PLAN, C-2 FOR SIGN AND PARKING DATA.

BUILDING SUMMARY
(Based on 1990 BOCA)
USE: AMERICAN CANTILE, S-1 STORAGE
CONSTRUCTION TYPE: 3B
AREA: BUILDING A - 14,213 s.f.
BUILDING B - 14,460 s.f.
ALLOWABLE AREA:
FROM TABLE 501 AND SEC. 502.1
BUILDING A: 808 STREET OR UNOCCUPIED FRONTAGE
USE M - 9600 + 1104 = 20,104 s.f.
USE S-1 - 8400 + 1104 = 17,640 s.f.
BUILDING B: 738 STREET OR UNOCCUPIED FRONTAGE
USE M - 9600 + 968 = 18,516 s.f.
USE S-1 - 8400 + 968 = 16,464 s.f.
HEIGHT: APPROX. 14'-0" TO 25'-0"
ALLOWABLE HEIGHT: USE M - 40'
USE S-1 - 40'
APPLICABLE FIRE RESISTANCE RATINGS:
LOAD BEARING EXTERIOR WALLS: 2 HR
FIRE WALLS: 3 HR
FIRE SEPARATION ASSEMBLIES: 2 HR
FLOOR AREA RATIO CALCULATION:
14,213 + 14,460 = 28,673 / 142,534 = 0.20

■■■■ SHIR FIRE WALL
----- SHIR FIRE SEPARATION ASSEMBLY

D'ALEO INC.
ARCHITECTS • PLANNERS
1100 NORTH CHARLES STREET, BALTIMORE, MD 21201
(410) 752-2548 • FAX (410) 752-6260

Revised Per Ex #
JMK

HERITAGE
AUTOMOTIVE GROUP

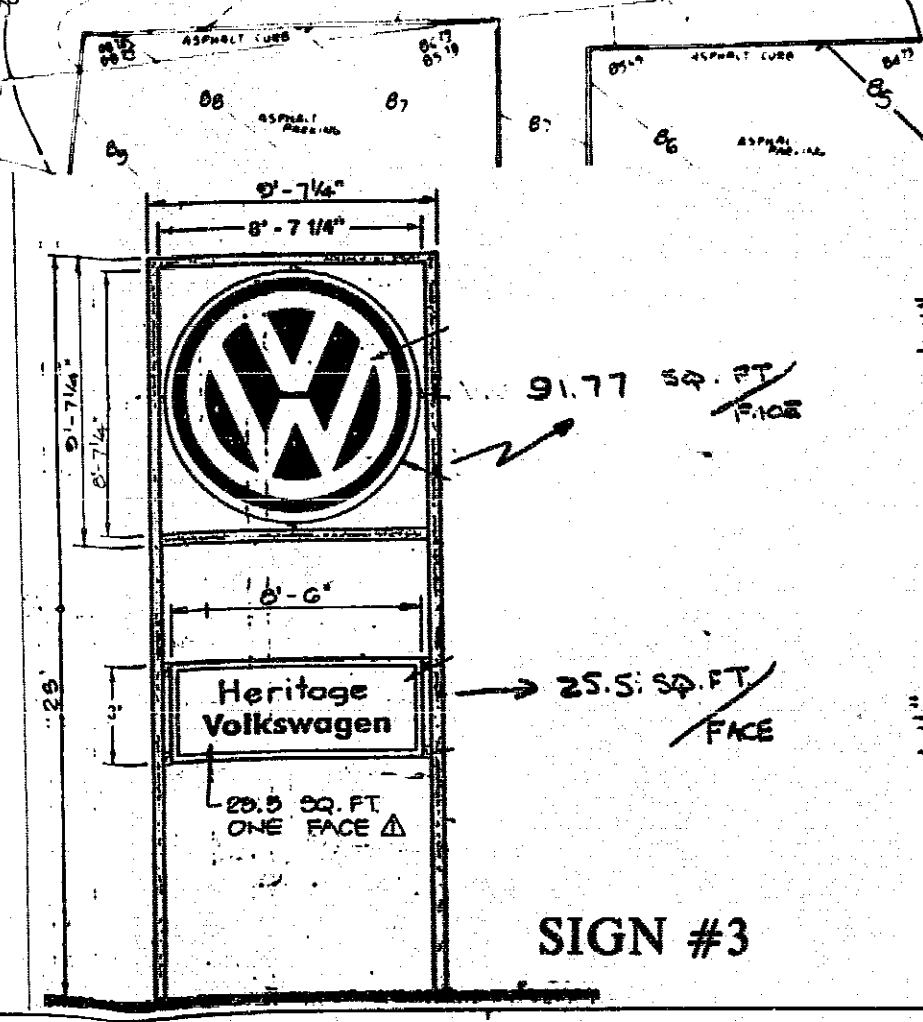
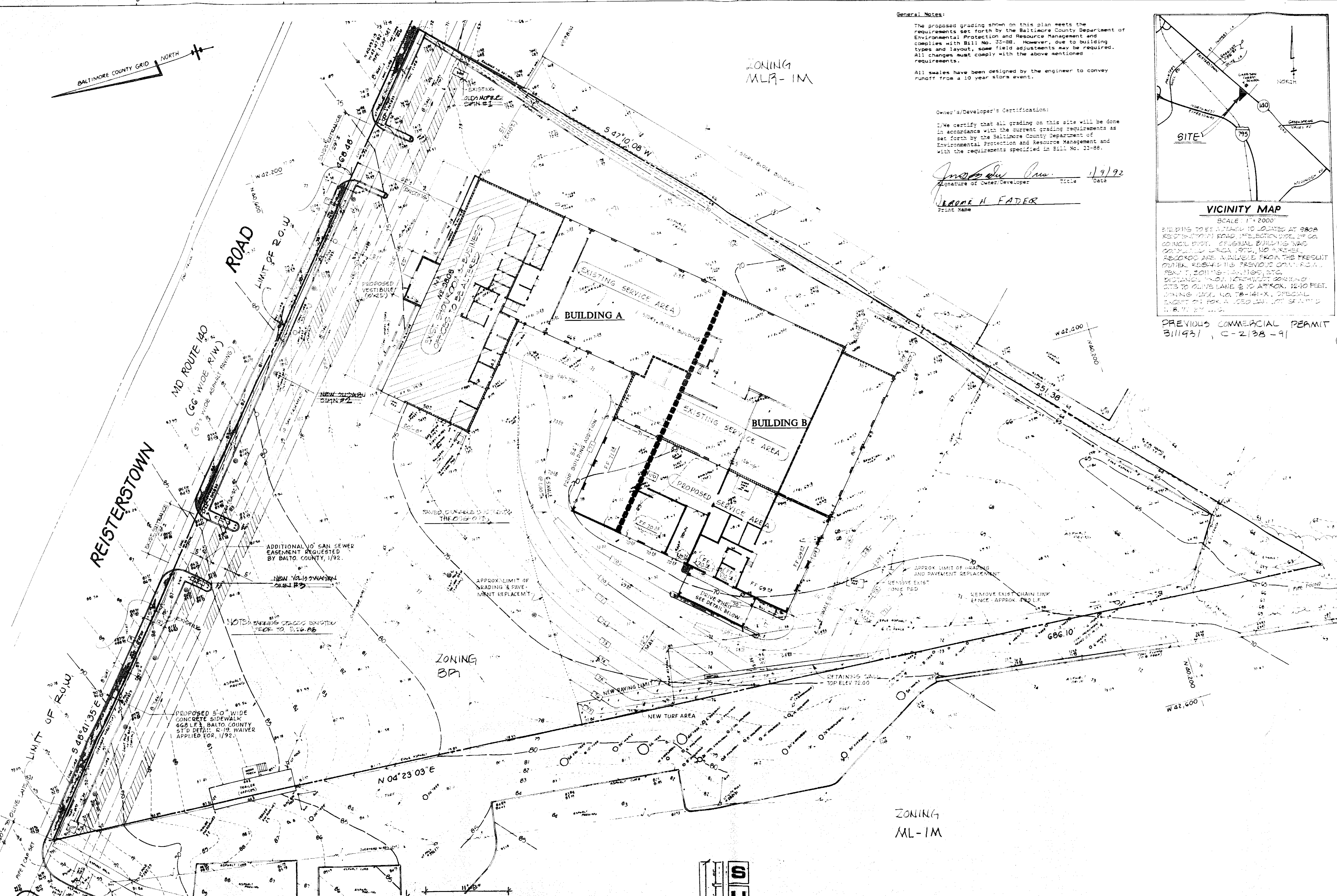
Oldsmobile
SUBARU

9808 REISTERSTOWN ROAD

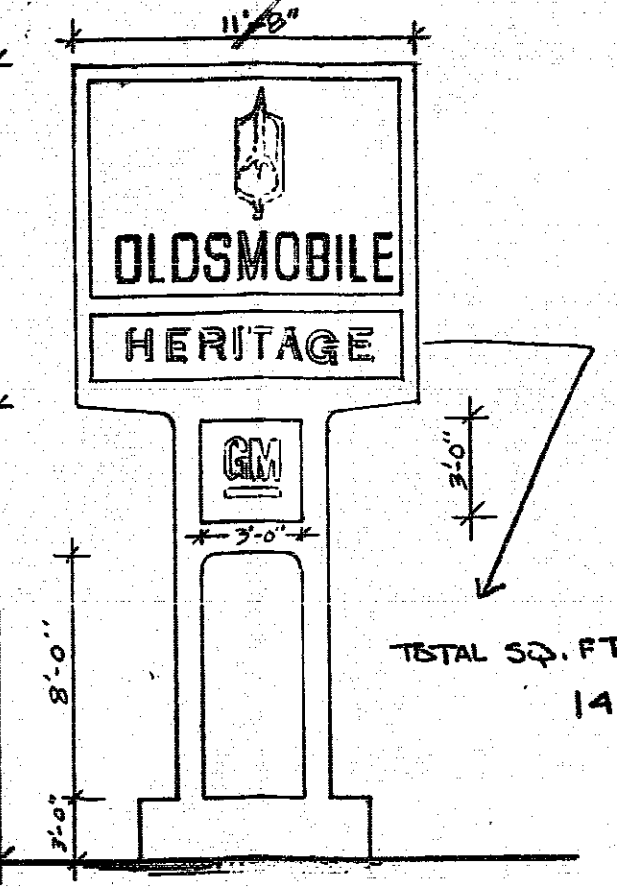
SHEET TITLE
SITE PLAN FOR PETITION FOR SIGN VARIANCE

PROJECT	DATE
SCALE AS SHOWN	LAST REV. 1-14-92
DRAWING NUMBER	

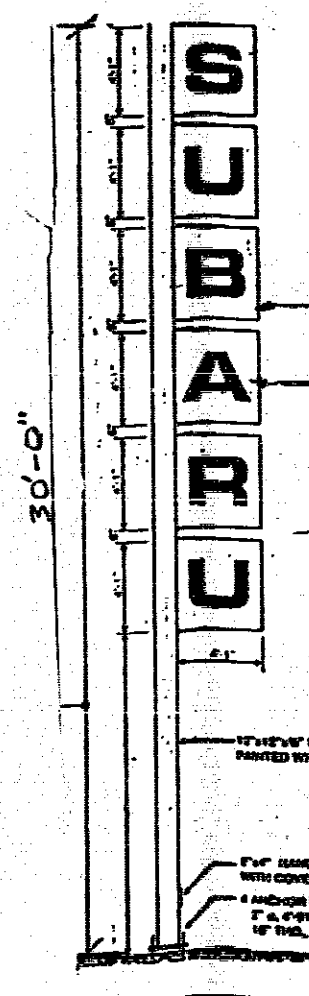
C2



SIGN #3



SIGN #1



SIGN #2

TOTAL SQ. FT. OF SIGN: 141.1 SQ. FT./FACE

DRAWING SHOWS SIGN AS WILL BE INSTALLED

TOTAL SIGN: 93.84 SQ. FT./FACE AS WILL BE INSTALLED

16.05 SQ. FT. PER LETTER EACH FACE

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

5/28/92 H7200494

PUBLIC HEARING FEES QTY PRICE
080 - ZONING VARIANCE OTHERS 1 X \$250.00
TOTAL: \$250.00

LAST NAME OF OWNER: FUNK, GRANAT

04404002811CHRC \$250.00
BA C003:33PM05-22-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

7/23/92 M9300012

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$60.40
TOTAL: \$60.40

LAST NAME OF OWNER: FUNK, GRANAT

04404001111CHRC \$60.40
BA C010:44AM07-24-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 6-18-92

Samuel Funk and David Granat
c/o Heritage Dodge
11224 Belairstone Road
Owings Mills, Maryland 21117

RE:
CASE #92-464-1 (Item 494)
SM/S Belairstone Road, 2700' NW of c/l GreenSpring Valley Road
3808 Belairstone Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLAN
DIRECTOR

cc: Julius W. Lichter, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-464-1 (Item 494)
SM/S Belairstone Road, 2700' NW of c/l GreenSpring Valley Road
3808 Belairstone Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Variance to permit 3 business signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 262.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new; sign #3, 254.54 sq. ft. new and replacing existing sign of 80 sq. ft.); and to permit 2 signs 26 ft., 8 inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Samuel Funk and David Granat
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 6, 1992

Julius W. Lichter, Esquire
Levin & Cann, P.A.
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 494, Case No. 92-464-A
Petitioner: Samuel Funk, et al
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 27th day of May, 1992

ARNOLD JARLAN
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Samuel Funk, et al
Petitioner's Attorney: Julius W. Lichter

MICROFILMED

Development Review Committee Response Form
Authorized signature: Dennis H. Kennedy Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
✓ Keith M. And Patricia M. Lambert 496 6-2-92 NC
DED DEPRM RP STP TE

COUNT 1
✓ Samuel Frank And David Granat 494 6-8-92 NC
DED DEPRM RP STP TE

✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 NC
DED DEPRM RP STP TE

✓ William J. And Elizabeth G. Wachter 497 NC
DED DEPRM RP STP TE

✓ Anita R. And James S. Henry 498 NC
DED DEPRM RP STP TE

✓ Douglas R. Small 499 NC
DED DEPRM RP STP TE

✓ Lyle L. Boltinghouse 500 NC
DED DEPRM RP STP TE

✓ Glenn A. And Patricia A. Sudano 501 NC
DED DEPRM RP STP TE

✓ Howard W. Dawson, Sr. 503 NC
DED DEPRM RP STP TE

COUNT 8

MICROFILMED

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Robert J. Family Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 3
Keith M. And Patricia M. Lambert 496 N/C 6-2-92
DED DEPRM RP STP TE

COUNT 1
Samuel Frank And David Granat 494 N/C 6-8-92
DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 N/C
DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter 497 N/C
DED DEPRM RP STP TE

Anita R. And James S. Henry 498 N/C
DED DEPRM RP STP TE

Douglas R. Small 499 N/C
DED DEPRM RP STP TE

Lyle L. Boltinghouse 500 N/C
DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano 501 N/C
DED DEPRM RP STP TE

MICROFILMED

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: Robert J. Family Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 5
Keith M. And Patricia M. Lambert 496 6-2-92 IN PROCESS
DED DEPRM RP STP TE

COUNT 1
✓ Samuel Frank And David Granat 494 6-8-92 NO COMMENTS
DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 WITH COMMENTS
DED DEPRM RP STP TE

✓ William J. And Elizabeth G. Wachter 497 NO COMMENTS
DED DEPRM RP STP TE

✓ Anita R. And James S. Henry 498 NO COMMENTS
DED DEPRM RP STP TE

Douglas R. Small 499 IN PROCESS
DED DEPRM RP STP TE

✓ Lyle L. Boltinghouse 500 NO COMMENTS
DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano 501 WITH COMMENTS
DED DEPRM RP STP TE

Howard W. Dawson, Sr. 503 NO COMMENTS
DED DEPRM RP STP TE

COUNT 8
FINAL TOTALS
COUNT 21

*** END OF REPORT ***

MICROFILMED

ALLSWEET LENSING TEL NO. 301-363-9977 JUL 16 1992 0152 NO. 002 P. 02
Pet Ex 3B **1412**
SUBARU
 Subaru of America
 2000 West 10th
 Ann Arbor, MI 48106
 (313) 963-1000

July 13, 1992

Mr. Jerome H. Feder
 President
 Heritage Oldsmobile-Imports, Inc.
 774 Heritage Subaru
 9808 Reisterstown Road
 Owings Mills, MD 21117

Dear Jerry:

Please permit this letter to memorialize our conversations in regards to Subaru's requirement of a road front sign in respects to Heritage Subaru's relocation from 11234 Reisterstown Road to 9808 Reisterstown Road.

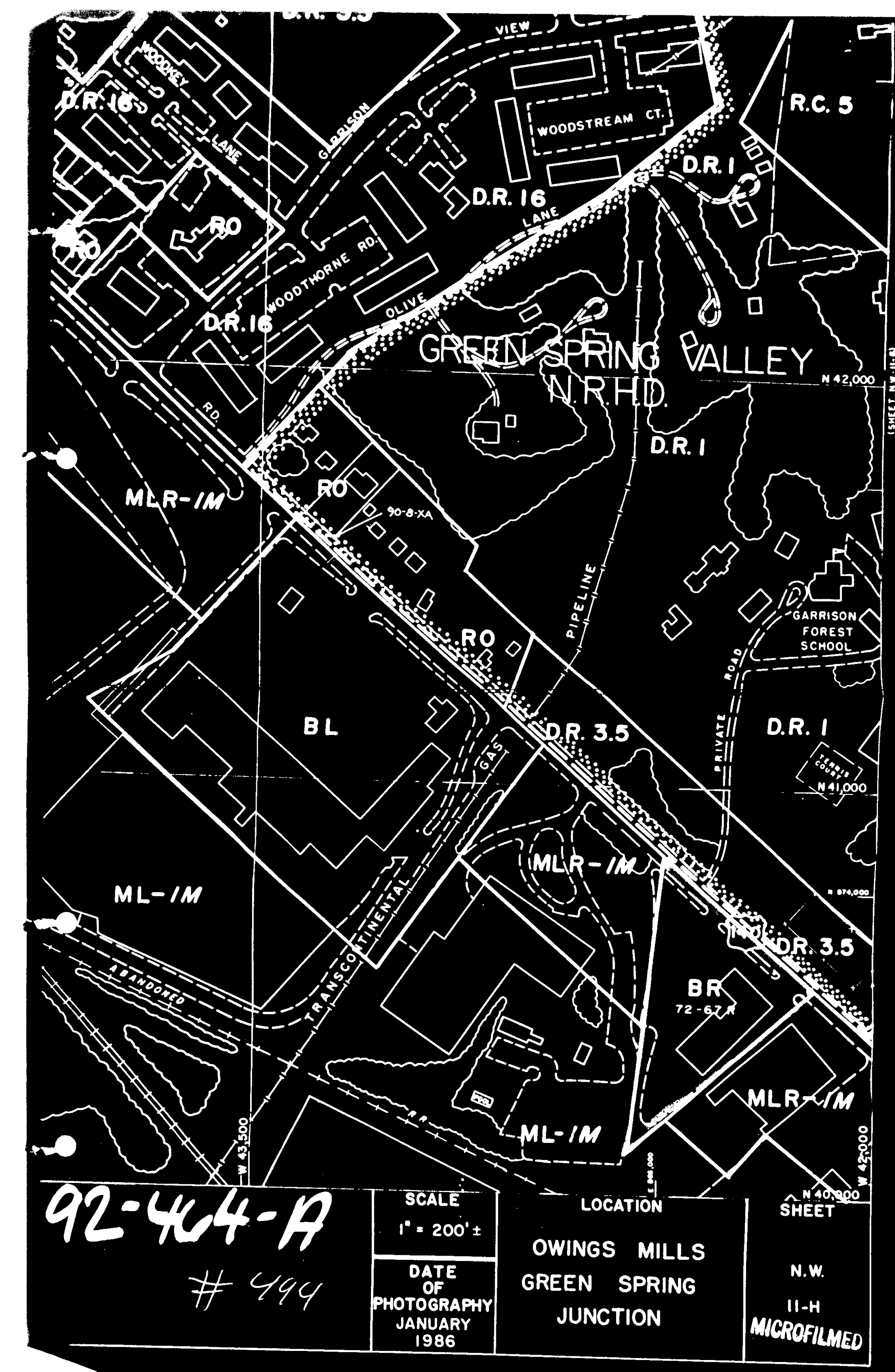
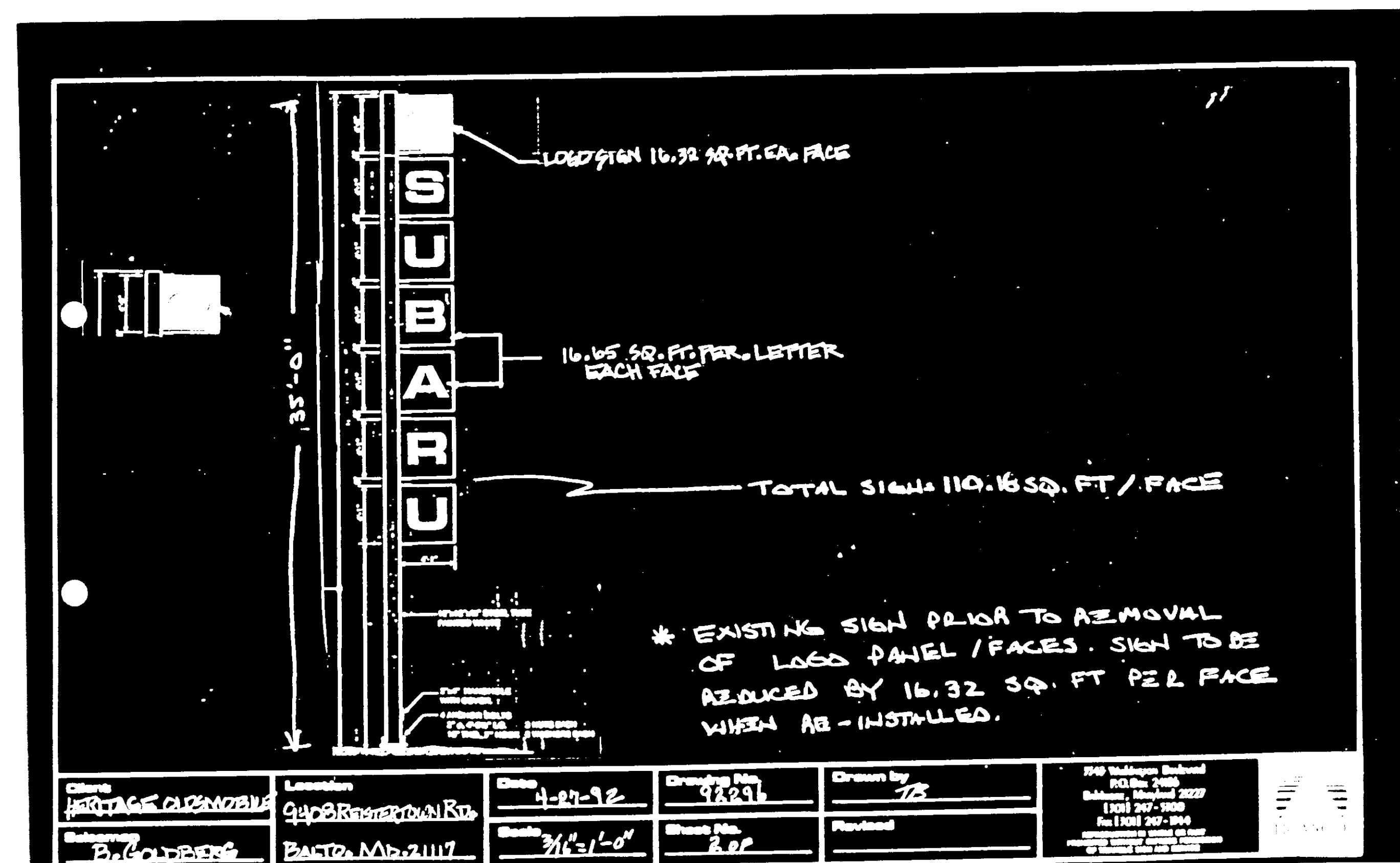
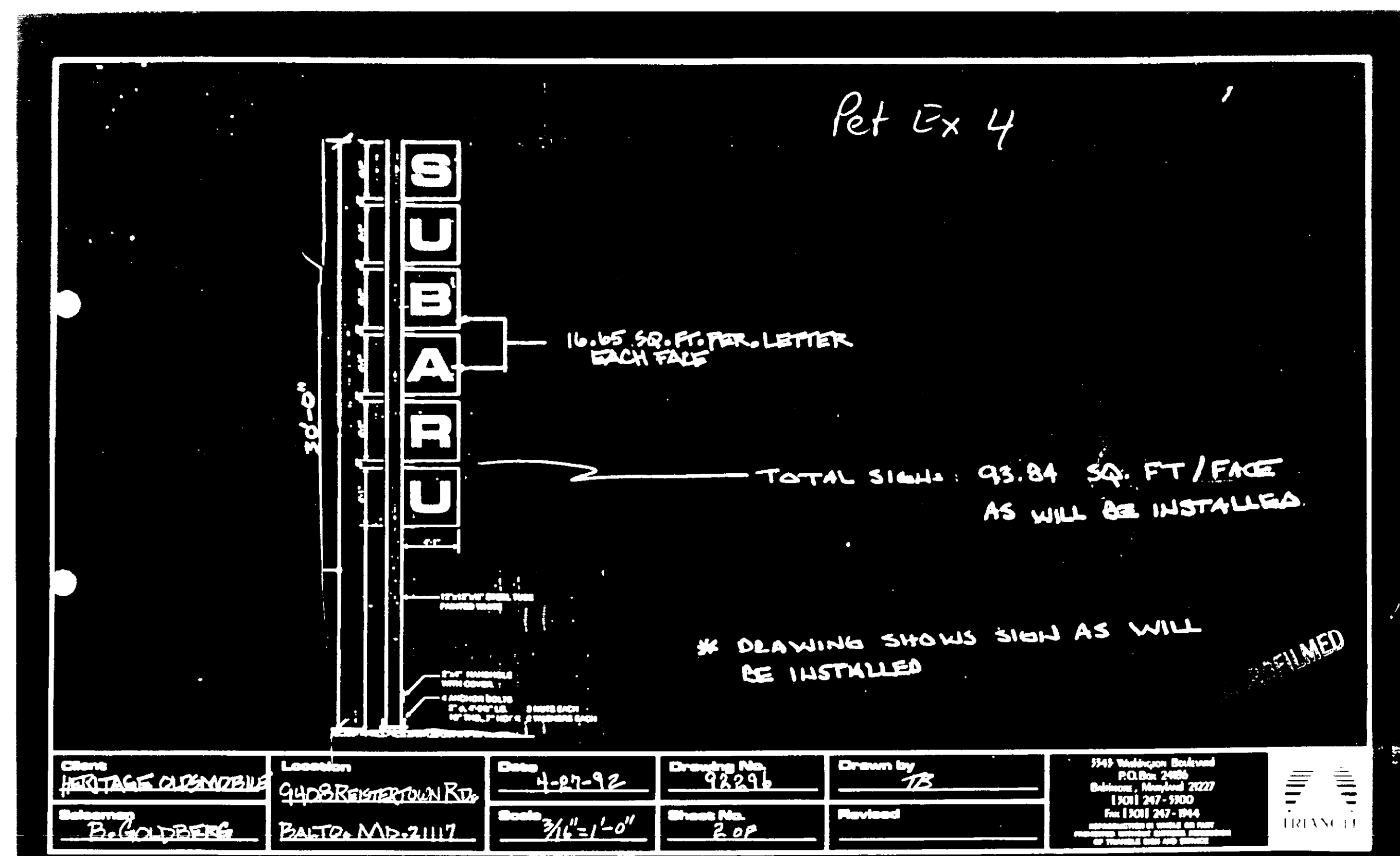
We cannot emphasize enough the importance of the Subaru sign as same is in keeping with our national identity program and is a requirement for dealers nationwide. We are, however, aware that many local jurisdictions seek to limit the size and scope of road front signage. In consideration of your request, Subaru will allow you to transfer and relocate the sign as was present at 11234 Reisterstown Road to Subaru's new home at 9808 Reisterstown Road. We will also allow you to remove the Subaru logo/insignia at the top of this sign. This will have the effect of reducing height of the sign by approximately 4 1/2 feet.

The waiver given herein is a waiver specific as to the subject situation and may not be used by you or be construed as a waiver as to any other Subaru locations you may be granted at any time in the future.

Thank you for your attention to this matter and should you have any questions, please do not hesitate in contacting me.

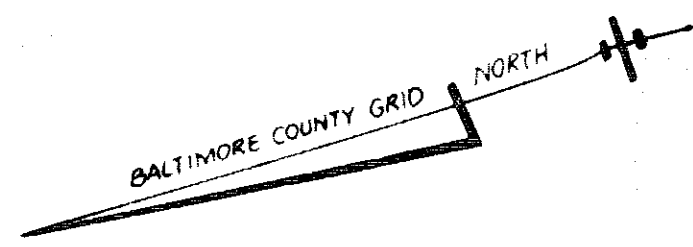
Sincerely,
J. Todd
 Jon H. Todd
 Regional Market Development Manager
 TT/gcd

MICROFILMED



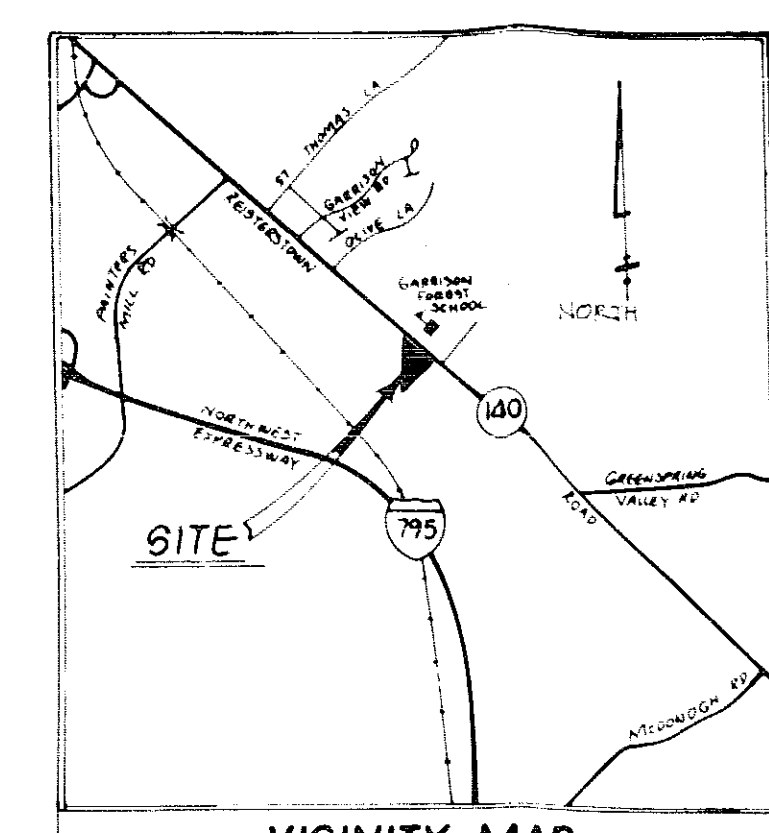
Petitioner's
 Exhibits 1A-1E
 Photographs
 Case 92-464-A

MICROFILMED



General Notes:
The proposed grading shown on this plan meets the requirements set forth by the Baltimore County Department of Environmental Protection and Resource Management and complies with Bill No. 22-88. However, due to building types and layout, some field adjustments may be required. All changes must comply with the above mentioned requirements.
All scales have been designed by the engineer to convey runoff from a 10 year storm event.

Owner's/Developer's Certification:
I/We certify that all grading on this site will be done in accordance with the current grading requirements as set forth by the Baltimore County Department of Environmental Protection and Resource Management and with the requirements specified in Bill No. 22-88.
Joseph H. Fader 1/9/92
Signature of Owner/Developer Title Date
Joseph H. Fader
Print Name



NOTE: All designs, drawings and information contained herein are the exclusive property of D'Aleo Inc. as instruments of service whether or not the work for which they were prepared is accepted. The use of these materials is prohibited except for use for the work for which they were prepared. The design, drawings, information, etc., is not to be sold, published or displayed without written authorization and consent of D'Aleo Inc. and made to D'Aleo Inc.

All field dimensions and conditions are to be verified by the fabricator or contractor. Any condition which affects the implementation of the design shall be brought to the attention of D'Aleo Inc. in writing, prior to the start of work.

KEYNOTES:

DATE	DESCRIPTION
10-22-91	100% PRELIMINARY DESIGN, 100% A.P. NOTED
12-23-91	BUILDING SUMMARY, EXIST. WALLS
1-10-92	ADJUSTED FLOOR & DRIVE THRU ELEV.
1-14-92	ESTIMATED ELEVATED FRONT FACADE

NOTE: SEE PLAN, C-2 FOR SIGN AND PARKING DATA.

BUILDING SUMMARY
(Based on 1990 BOCA)
USE: AMERICAN CANTILE, S-1 STORAGE
CONSTRUCTION TYPE: 3B
AREA: BUILDING A - 14,213 s.f.
BUILDING B - 14,460 s.f.
ALLOWABLE AREA:
FROM TABLE 501 AND SEC. 502.1
BUILDING A: 808 STREET OR UNOCCUPIED FRONTAGE
USE M - 9600 + 1104 = 20,104 s.f.
USE S-1 - 8400 + 1104 = 17,640 s.f.
BUILDING B: 738 STREET OR UNOCCUPIED FRONTAGE
USE M - 9600 + 968 = 18,516 s.f.
USE S-1 - 8400 + 968 = 16,464 s.f.
HEIGHT: APPROX. 14'-0" TO 25'-0"
ALLOWABLE HEIGHT: USE M - 40'
USE S-1 - 40'
APPLICABLE FIRE RESISTANCE RATINGS:
LOAD BEARING EXTERIOR WALLS: 2 HR
FIRE WALLS: 3 HR
FIRE SEPARATION ASSEMBLIES: 2 HR
FLOOR AREA RATIO CALCULATION:
14,213 + 14,460 = 28,673 / 142,534 = 0.20

■■■■ SHIR FIRE WALL
----- SHIR FIRE SEPARATION ASSEMBLY

D'ALEO INC.
ARCHITECTS • PLANNERS
1100 NORTH CHARLES STREET, BALTIMORE, MD 21201
(410) 752-2548 • FAX (410) 752-6260

Revised Per Ex #
JMK

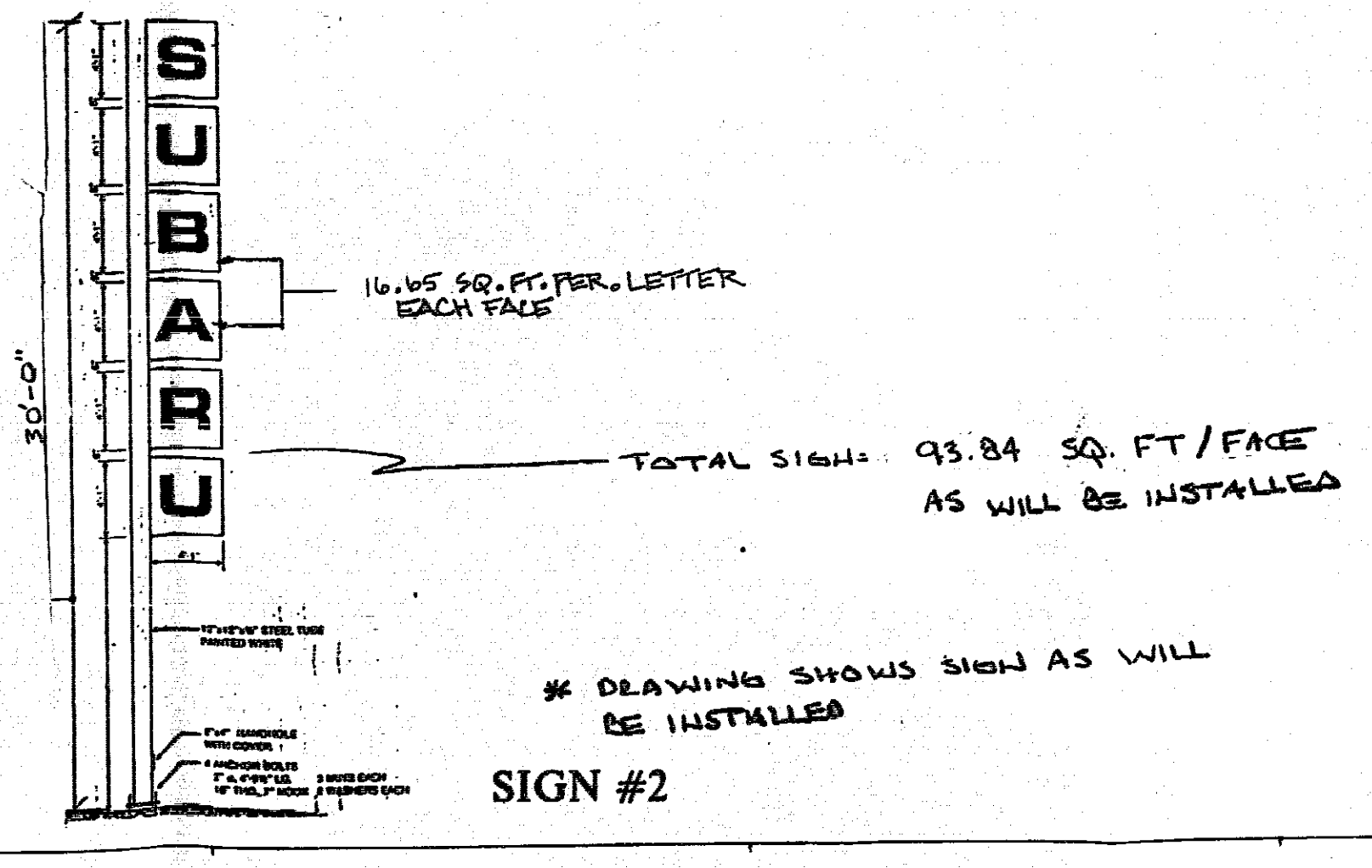
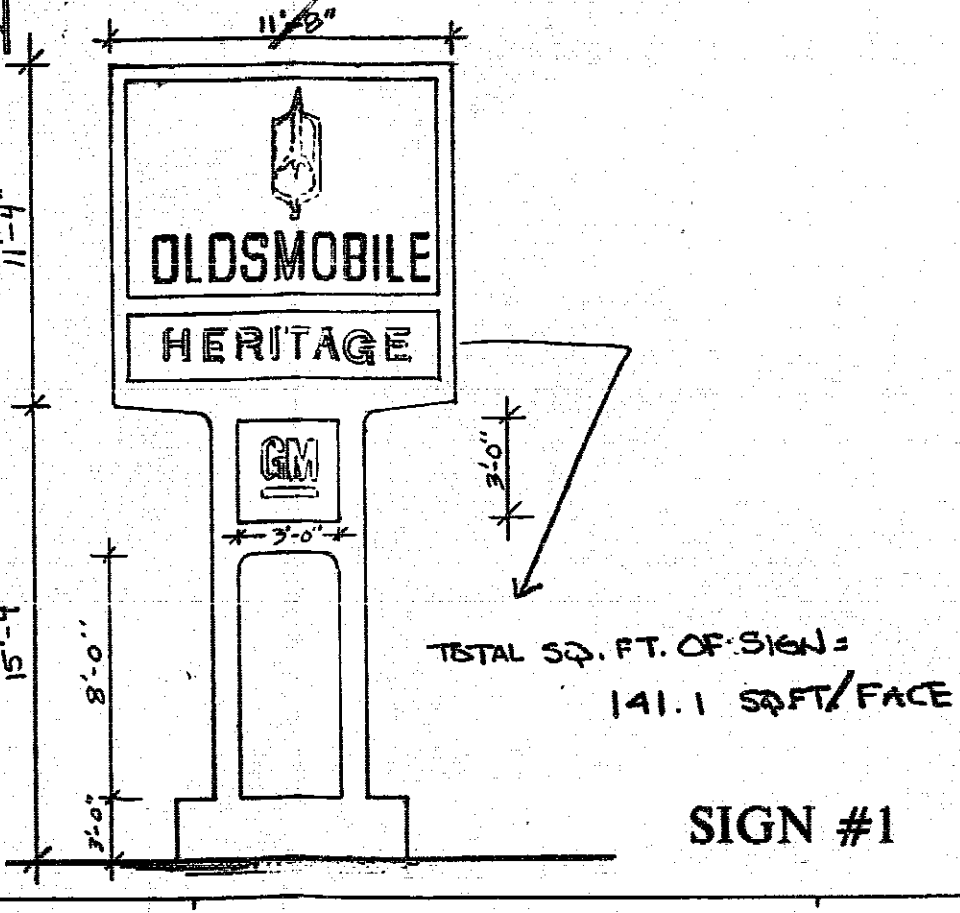
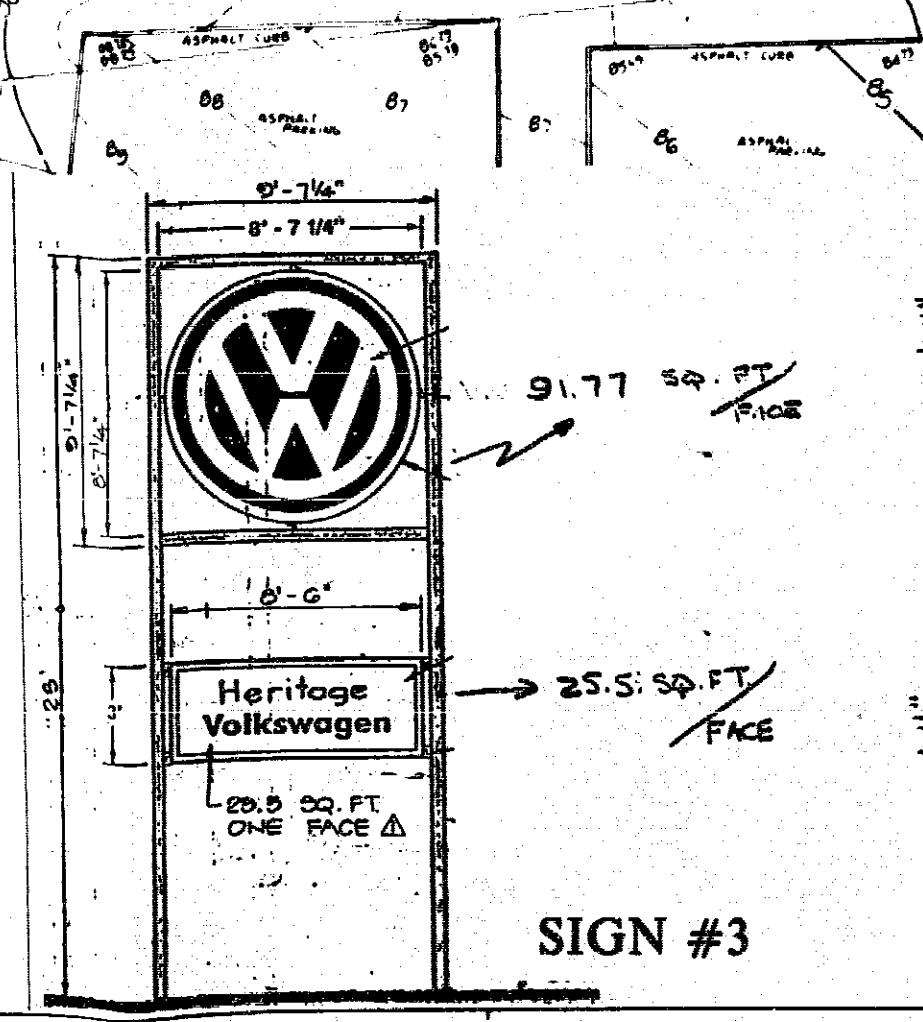
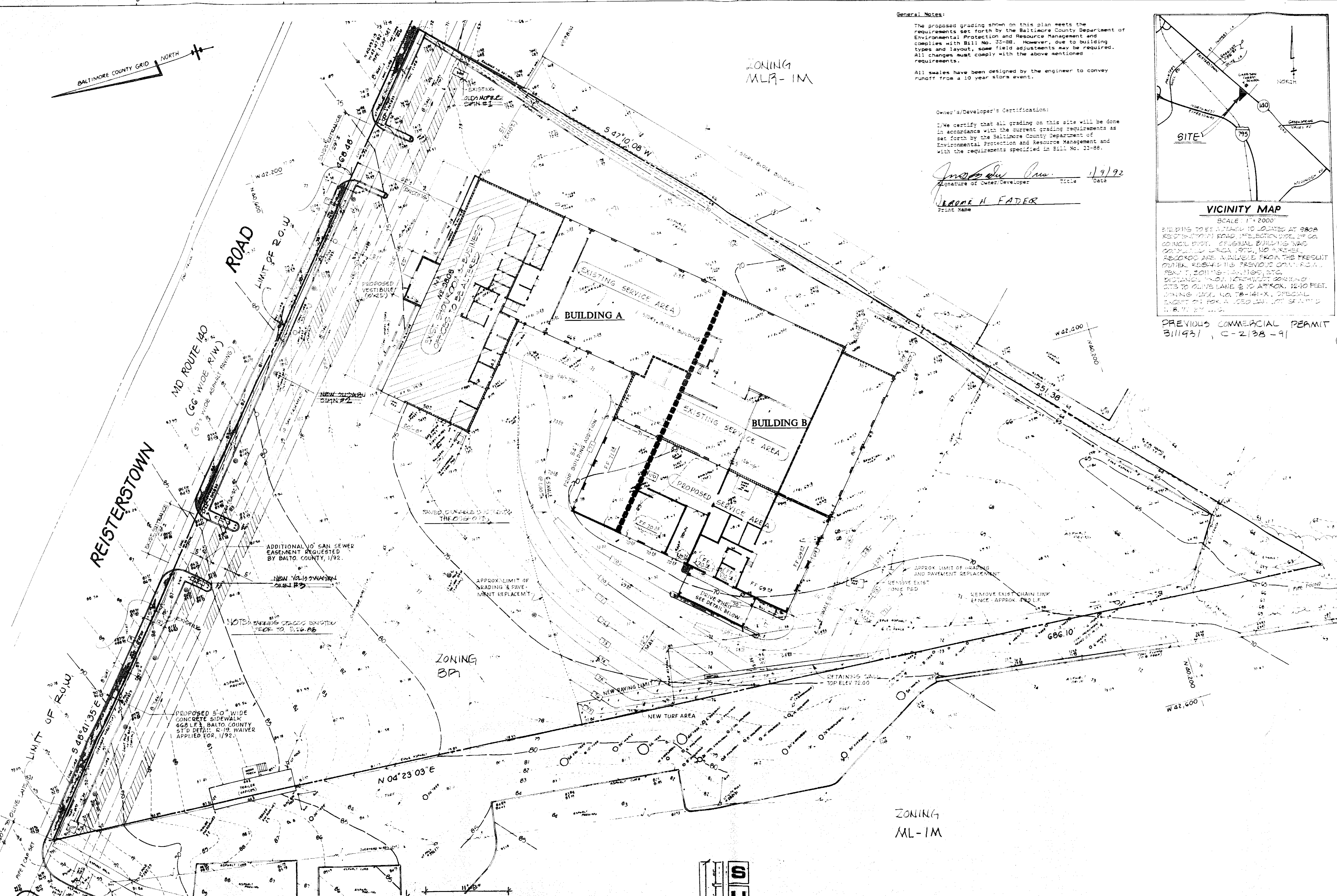
HERITAGE
AUTOMOTIVE GROUP



SHEET TITLE
SITE PLAN FOR PETITION FOR SIGN VARIANCE

PROJECT	DATE
SCALE AS SHOWN	10-30-91
DRAWING NUMBER	LAST REV. 1-14-92

C2



* DRAWING SHOWS SIGN AS WILL BE INSTALLED

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Reisterstown Rd., 2700' NW
of c/l of Greenspring Valley Rd. * DEPUTY ZONING COMMISSIONER
(9808 Reisterstown Road)
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 92-464-A
Samuel Funk and David Granat
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by Heritage Dodge by and through its attorney, Julius W. Lichter, Esquire, in which the Petitioners request relief from Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 737.06 sq.ft. in lieu of the permitted 100 sq.ft. for existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 220.32 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 35 feet, respectively, in lieu of the permitted 25 feet for each, all as more particularly described on Petitioner's Exhibits 4 and 5.

Appearing on behalf of the Petition were Jerome Fader, Steve Fader, and Leo J. D'Aleo. There were no Protestants.

At the onset of the hearing, Counsel for the Petitioners, Julius W. Lichter, Esquire, moved that the Petition for Zoning Variance be amended. Specifically, the Petition was amended to request a height for Sign 2 of 30 feet in lieu of the requested 35 feet, and a total sign area of 187.68 sq.ft. for Sign 2 in lieu of the requested 220.32 sq.ft. As a result of the modifications made for proposed Sign 2, the total signage

requested for the subject property would then be reduced to 704.42 sq.ft. in lieu of the originally requested 737.06 sq.ft. The Petition was amended accordingly.

Testimony indicated that the subject property, known as 9808 Reisterstown Road, consists of 2.9495 acres, more or less, zoned B.R., and is the site of the Heritage Automotive Group. The proffered testimony offered by Mr. Lichter indicated that the Fader family has operated several dealerships along this section of Reisterstown Road for many years. Testimony indicated that the Petitioners are desirous of locating three business signs on the subject property to identify their Volkswagen, Subaru and Oldsmobile dealerships. The three signs in question are depicted on Petitioner's Exhibit 5, a site plan of the subject property. Two of the subject signs will be relocated from an existing dealership located elsewhere. Those two signs are for the Volkswagen and Subaru dealerships. Submitted into evidence as Petitioner's Exhibits 1A through 1E were various photographs of the subject property. Said photographs reveal that the subject property is well-maintained, and is neat and orderly in its appearance. While the proposed signage will increase at the subject location, it will decrease at the sites where the signs presently exist. There were no adverse comments from any agency in Baltimore County and no Protestants appeared at the hearing.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2 -

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1992 that the Petition for Zoning Variance requesting relief from Section 413.2 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 704.42 sq.ft. in lieu of the permitted 100 sq.ft., to include existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 187.68 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 30 feet, respectively, in lieu of the permitted 25 feet for each, in accordance with Petitioner's Exhibits 4 and 5, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the modifications requested herein as to proposed Sign 2 for the Subaru dealership.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 17, 1992

(410) 887-4386

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 2700' NW of the c/l Greenspring Valley Road
(9808 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
Samuel Funk and David Granat - Petitioners
Case No. 92-464-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 9808 Reisterstown Rd.

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2(a) permit 3 BUSINESS SIGNS totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft.* from Section 413.5(d) to permit 2 signs 26'8" and 35'0" in height, respective in lieu of the permitted 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

site constraints; automobile dealership requirements; and additional reasons which will be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

*(existing sign #1-282.2 sq.ft. remaining; sign #2, 220.32sq.ft. new; sign #3, 234.54 sq.ft. new & replacing existing sign of 80sq.ft.)

Contact Purchaser/Lessee:

Type or Firm Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Name:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Address:

City:

State:

Zipcode:

Phone No.:

Legal Owner(s):

Name:

Address:

City:

State:

Zipcode:

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State:

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

5/28/92 H7200494

PUBLIC HEARING FEES QTY PRICE
080 - ZONING VARIANCE OTHERS 1 X \$250.00
TOTAL: \$250.00

LAST NAME OF OWNER: FUNK, GRANAT

04404002811CHRC \$250.00
BA C003:33PM05-22-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

7/23/92 M9300012

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$60.40
TOTAL: \$60.40

LAST NAME OF OWNER: FUNK, GRANAT

04404001111CHRC \$60.40
BA C010:44AM07-24-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 6-18-92

Samuel Funk and David Granat
c/o Heritage Dodge
11224 Belairstone Road
Owings Mills, Maryland 21117

RE:
CASE #92-464-1 (Item 494)
SM/S Belairstone Road, 2700' NW of c/l Greenspring Valley Road
3808 Belairstone Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLAN
DIRECTOR

cc: Julius W. Lichter, Esq.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-464-1 (Item 494)
SM/S Belairstone Road, 2700' NW of c/l Greenspring Valley Road
3808 Belairstone Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Variance to permit 3 business signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 262.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new; sign #3, 254.54 sq. ft. new and replacing existing sign of 80 sq. ft.); and to permit 2 signs 26 ft., 8 inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Samuel Funk and David Granat
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 6, 1992

Julius W. Lichter, Esquire
Levin & Cann, P.A.
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 494, Case No. 92-464-A
Petitioner: Samuel Funk, et al
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 27th day of May, 1992

ARNOLD JARLAN
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Samuel Funk, et al
Petitioner's Attorney: Julius W. Lichter

MICROFILMED

Development Review Committee Response Form
Authorized signature: Denise H. Kennedy Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
✓ Keith M. And Patricia M. Lambert 496 6-2-92 NC
DED DEPRM RP STP TE

COUNT 1
✓ Samuel Frank And David Granat 494 6-8-92 NC
DED DEPRM RP STP TE

✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 NC
DED DEPRM RP STP TE

✓ William J. And Elizabeth G. Wachter 497 NC
DED DEPRM RP STP TE

✓ Anita R. And James S. Henry 498 NC
DED DEPRM RP STP TE

✓ Douglas R. Small 499 NC
DED DEPRM RP STP TE

✓ Lyle L. Boltinghouse 500 NC
DED DEPRM RP STP TE

✓ Glenn A. And Patricia A. Sudano 501 NC
DED DEPRM RP STP TE

✓ Howard W. Dawson, Sr. 503 NC
DED DEPRM RP STP TE

COUNT 8

MICROFILMED

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Rebecca J. Family Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 3
Keith M. And Patricia M. Lambert 496 N/C 6-2-92
DED DEPRM RP STP TE

COUNT 1
Samuel Frank And David Granat 494 N/C 6-8-92
DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 N/C
DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter 497 N/C
DED DEPRM RP STP TE

Anita R. And James S. Henry 498 N/C
DED DEPRM RP STP TE

Douglas R. Small 499 N/C
DED DEPRM RP STP TE

Lyle L. Boltinghouse 500 N/C
DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano 501 N/C
DED DEPRM RP STP TE

MICROFILMED

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: Denise H. Kennedy Date: 6/15/92

Project Name: Stonegate at Patapsco (Azreal Property) File Number: 49476 Waiver Number: 494 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 5
Keith M. And Patricia M. Lambert 496 6-2-92 IN PROCESS
DED DEPRM RP STP TE

COUNT 1
✓ Samuel Frank And David Granat 494 6-8-92 NO COMMENTS
DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 WITH COMMENTS
DED DEPRM RP STP TE

✓ William J. And Elizabeth G. Wachter 497 NO COMMENTS
DED DEPRM RP STP TE

✓ Anita R. And James S. Henry 498 NO COMMENTS
DED DEPRM RP STP TE

Douglas R. Small 499 IN PROCESS
DED DEPRM RP STP TE

✓ Lyle L. Boltinghouse 500 NO COMMENTS
DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano 501 WITH COMMENTS
DED DEPRM RP STP TE

Howard W. Dawson, Sr. 503 NO COMMENTS
DED DEPRM RP STP TE

COUNT 8
FINAL TOTALS
COUNT 21

*** END OF REPORT ***

MICROFILMED

